



Unincorporated Nonprofit Association Filings General Information

The law requires that the Secretary of State, upon the filing of a properly completed application and the payment of the applicable fees, register the name of any association and to issue a certificate of registration to that effect provided that the name does not so resemble another registered name as may be likely to deceive. Corporations Code Section 21301, 21302, 21305. Provided the form is properly completed and the \$10 filing fee is paid, the Secretary of State has no discretion with respect to the filing of the registration and the issuance of the certificate. Pursuant to these provisions of law, the Secretary of State has filed over 7,000 registrations of unincorporated nonprofit associations.

An association is defined by statute to include, among other things, "any...society, organization, or association." Corporations Code Section 21300. A nonprofit association is further defined as "an unincorporated association of natural persons for religious, scientific, social, literary, educational, recreational, benevolent, or other purpose not that of pecuniary profit." Corporations Code Section 21000. The generally accepted definition of "association" is "a collection of persons who have joined together for a certain object." Black's Law Dictionary.

Any collection of persons who wish to form an unincorporated nonprofit association and register the association's name with the Secretary of State may do so by completing the proper form and paying the fee. The Secretary of State has no authority or reason to investigate the relationships between or determine the motivations of the members of an association that wishes to register its name. Nor does the Secretary of State have the authority to alter the name sought to be registered, although the Secretary of State cannot register a name which is deceptively similar to a name already registered. For these reasons, the Secretary of State has accepted for filing associations registering with names such as "Family of Debra Deem and James Riley."

It should be noted that the Secretary of State does not register "families", as such. The Secretary of State does, however, as required by law, register the names of associations which may include, as part of their names, the word "family."

To obtain or file name registration forms with respect to unincorporated nonprofit associations, registrants should write: Secretary of State, Business Entities Section, 1500 11th Street, 3rd Floor, Sacramento, CA 95814.